

CODE

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The provisions embraced in this and the following chapters and sections shall constitute and be designated as the "Code of the City of Gaffney, South Carolina," and may be so cited. Such code may also be cited as the "Gaffney City Code" or the "Gaffney Municipal Code."

(Code 1964, § 1-1; Code 1980, § 1-1)

State law reference—Duty to codify and index ordinances, S.C. Code 1976, § 5-7-290.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council or unless the context clearly requires otherwise:

Bond. When a bond is required, an undertaking in writing shall be sufficient.

City. The term "city" means the City of Gaffney in the County of Cherokee, State of South Carolina, and shall at all times be construed as if the term "of Gaffney" followed it.

Computation of time. In computing any time period prescribed or allowed by this Code or by ordinance, the day of the act or event after which the designed time period begins to run is not to be included. The last day of the time period so computed shall be included, unless it is a Saturday, Sunday or a city, state or federal holiday, in which event the time period runs until the end of the next day which is not a Saturday, Sunday nor such holiday. When the time period prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

State law reference—Similar definition, Rule 6(a), S.C. Rules Civ. Proc.

Council. The term "council" or "city council" means the council of the City of Gaffney, South Carolina.

Councilman or councilmember. The term "councilman" or "councilmember" means a duly elected member of the city council.

County. The term "county" means the County of Cherokee, State of South Carolina.

Due date. Whenever the date for any act required to be done by this Code shall fall on a Saturday, Sunday, or city, state or federal holiday, the act will be required to be done by the end of the next day which is not a Saturday, Sunday or such holiday.

Gender. Words importing the masculine gender shall include the feminine and neuter.

In the city. The term "in the city" means and includes any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the city by public or private law.

Minor. A minor shall be deemed a person under the age of 18 years, except as otherwise provided by state law.

Month. The term "month" means a calendar month.

Number. A word importing the singular only shall extend and be applied to several persons and things, and a word importing the plural only may apply to one person or thing.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Occupant. The term "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Official time standard. Whenever particular hours are specified, the time applicable shall be Eastern Standard Time or Eastern Daylight Saving Time, whichever may be in current use in the city.

Owner. The term "owner," applied to building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property, except real property as herein defined.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements, and hereditaments.

Sidewalk. The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians.

State. The term "state" means the State of South Carolina.

Street. The term "street" includes streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city, and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the city council.

Tenant. The term "tenant," applied to a building or land, means any person who holds a written or oral lease of or actually occupies the whole or part of such building or land, either alone or with others.

Writing, written. The terms "writing" and "written" include printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.
(Code 1964, § 1-2; Code 1980, § 1-2)

Sec. 1-3. Section headings.

The headings of the several sections of this Code are intended as a convenience to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or re-enacted.

(Code 1964, § 1-3; Code 1980, § 1-3)

Sec. 1-4. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (2) Any ordinance levying taxes or any appropriation ordinance or ordinance providing for an annual budget or providing for the compensation of city officers and employees;
- (3) Any ordinance annexing territory to the city or discontinuing territory as a part of the city;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any ordinance approving, authorizing or otherwise relating to any contract or agreement;
- (6) The zoning ordinance of the city and amendments thereto, including ordinances zoning or rezoning specific property;
- (7) Ordinances prescribing subdivision and land use regulations, and amendments thereto;
- (8) Any ordinance which makes provision for contracts with another governmental entity or the South Carolina Municipal Association for the collections of taxes and fees;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(b) Provisions contained in this Code which are substantially similar to provisions contained in the previous Municipal Code and amendments thereto are deemed to be continuations thereof and not new enactments.

(Code 1980, § 1-4)

Sec. 1-5. Code does not affect prior offenses, contracts, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred or any contract or right established or

accruing before the effective date of this Code, nor shall this Code or the ordinance adopting this Code affect any prosecution, suit or proceeding pending or any judgment or decree rendered prior to such date.

(Code 1980, § 1-5)

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city council or the city administrator. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate section headings, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such section headings, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code;

but in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1980, § 1-6)

Sec. 1-7. Style and effective date of ordinances.

The style of every ordinance shall be: "Be it ordained by the City Council of Gaffney, in council assembled." Each ordinance shall become effective immediately upon its being signed by the mayor, or, in his absence, by the mayor pro tem, and the city administrator and the seal of the city being affixed thereto. If the ordinance is intended to take effect at some other date, it must so expressly state.

(Code 1964, § 1-4; Code 1980, § 1-7)

Sec. 1-8. Numbering of ordinances.

(a) All ordinances ratified by the city council shall bear a number for use in insertion in the master ordinance book.

(b) The prefix number of each such ratified ordinance shall be the year in which the same is passed, and such prefix shall be followed by the number of such ordinance in the order of its ratification, beginning with the number one for the first ratified ordinance of each year and being numbered accordingly throughout each individual year.

(Code 1964, § 1-4.1; Code 1980, § 1-8)

Sec. 1-9. General penalty; continuing violations.

Whenever in this Code or in any ordinance or resolution of the city, or rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500.00 or by imprisonment for a period of not exceeding 30 days; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses. Each day any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.

(Code 1964, § 1-6; Code 1980, § 1-9; Ord. No. 1991-2, 4-9-1991; Ord. No. 1993-7, 7-19-1993)

State law references—Authority of city to fix fines and penalties, S.C. Code 1976, § 5-7-30; trial of persons charged with ordinance violations, S.C. Code 1976, § 5-7-90.

Sec. 1-10. Liability for violations by corporations and other associations.

(a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization or other entity, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization or other entity.

(b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment, as well as such corporation or unincorporated association or organization, for the violation by it of any provision of this Code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

(Code 1964, § 1-7; Code 1980, § 1-10)

Sec. 1-11. Severability.

It is hereby declared to be the intention of the city council that, if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any phrase, clause, sentence, paragraph or section.

(Code 1964, § 1-8; Code 1980, § 1-11)

Sec. 1-12. Municipal uniform ordinance summons.

(a) Any person or entity violating any provision of this Code or any ordinance adopted pursuant thereto, within the corporate limits of the city may be issued a uniform ordinance summons. Issuance of the uniform ordinance summons shall vest jurisdiction in the municipal court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by any city law enforcement officer or any other city employees designated by the city administrator in writing as code enforcement officers. The bond amount for violations shall be prescribed by the chief municipal court judge. City law enforcement or code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons. The uniform summons shall not be used to perform a custodial arrest.

(b) This section does not apply to any ordinance which regulates the use of motor vehicles on the public roads.

(Code 1980, § 1-12; Ord. No. 1993-6, 7-19-1993)

State law reference—Use of ordinance summons, S.C. Code 1976, § 56-7-80.